

**AT A REGULAR MEETING OF THE MONTGOMERY COUNTY PUBLIC SERVICE
AUTHORITY, HELD ON THE 1st DAY OF APRIL 2013, 7:00 P.M., MULTI PURPOSE ROOM
#2, MONTGOMERY COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:**

PRESENT:	Gary Creed	-Chair
	James Politis	-Member
	Matthew Gabriele	-Member
	Annette Perkins	-Member
	Mary Biggs	-Secretary-Treasurer
	William Brown	-Vice Chair
	Robert C. Fronk	-PSA Director
	Karri Cridlin	-Secretary to PSA Board
	Craig Meadows	-County Administrator
	Marty McMahon	-County Attorney
	Joel Donahue	-Planning Commission
ABSENT:	Christopher Tuck	-Member

CALL TO ORDER

Chair Creed called the meeting to order and determined that a quorum was present.

PUBLIC ADDRESS SESSION

Mr. William Price appeared before the board and thanked them for their patience regarding Oilwell Road.

Mr. James Richardson of 1675 Oilwell Road appeared before the board about water pressure issues at his home would like to see what can be done about pressure.

CONSENT AGENDA

On a motion by James Politis, seconded by Mary Biggs, and carried; IT WAS RESOLVED, that the Public Service Authority hereby approves the Consent Agenda, dated April 01, 2013.

The roll call vote on the foregoing motion is as follows:

AYE	NAY	ABSENT
Gary Creed		Annette Perkins
James Politis		Christopher Tuck
William Brown		
Christopher Tuck		
Mary Biggs		
Matthew Gabriele		

**R13-04-01
APPROVAL OF CHATTEL DEED
FOR NEW AUBURN HIGH SCHOOL
UTILITIES PHASE I**

BE IT RESOLVED, by the Board of Directors of the Montgomery County Public Service Authority, that the Board of Directors hereby agree to accept the Chattel Deed for the new Auburn High School Phase I water and sewer facilities, and, that said Chattel Deed provides fee simple transfer of all water and/or sewer lines, valves, fittings, laterals, connections, storage facilities, sources of water supply, pumps, manholes and any and all equipment and appurtenances to the Montgomery County Public Service Authority. The Chattel Deed is hereby attached and made part of this Resolution by reference.

BE IT FURTHER RESOLVED, that the Chair of Montgomery County Public Service Authority is hereby authorized to sign the above referenced Chattel Deed for the purpose of acknowledging acceptance of the Deed on behalf of the Directors of the Montgomery County Public Service Authority.

The roll call vote on the motion is as follows:

AYE	NAY	ABSENT
James Politis		Annette Perkins
Matthew Gabriele		Christopher Tuck
Gary Creed		

**R13-04-02
RESOLUTION APPROVING POST ISSUANCE
TAX COMPLIANCE PROCEDURES FOR
TAX-EXEMPT BONDS**

WHEREAS, the IRS has issued an advisement to issuers of tax exempt bonds recommending the adoption of post issuance tax compliance procedures for tax exempt bonds; and

WHEREAS, the Authority's Bond Council has drafted for the Montgomery County Public Service Authority Board of Directors to consider a Post Issuance Tax Compliance Procedure for Tax Exempt Bonds that is consistent with what is recommended by the IRS; and

WHEREAS, it is the recommendation of the Authority's Bond Council that the Montgomery County Public Service Authority Board of Directors adopt the Post Issuance Tax Compliance Procedures for Tax Exempt Bonds.

NOW, THEREFORE BE IT RESOLVED By the Montgomery County Public Service Authority Board of Directors hereby approve the Post Issuance Tax Compliance Procedures for Tax Exempt Bonds prepared by the Authority's Bond Council.

The roll call vote is as follows:

AYE

NAY

ABSENT

James Politis

Annette Perkins

Matthew Gabriele

Christopher Tuck

Gary Creed

Mary Biggs

William Brown

FINANCIAL REPORT

The financial report for period ending March 31, 2012, was presented for review and discussion.

DIRECTOR'S REPORT

1. Monthly Activities Report
The March 2013 report was presented for review.
2. Notice of Violation – Riner Sewage Treatment Plant
The Department of Environmental Equality (DEQ) issued a Notice of Violation (NOV) to the Riner Wastewater Treatment Plant (WWTP) on March 13, 2013 for continuing permit violations of Ammonia, BOD5 and TKN. The permit violations included in the NOV were for the months of December 2012 and January 2013. We have replied to the NOV and scheduled a meeting to review with DEQ representatives on April 9, 2013.
3. Refinancing of PSA Debt
The refinancing of the PSA debt along with \$500,000 of new money (\$6,275,000 total) was finalized Wednesday March 27, 2013 with closing on Thursday March 28, 2013. We had to prepare a capital project list to project how the new money was to be spent for inclusion in the closing documents. Due to IRS requirements, we are required to spend/commit at least 5% of the new money (\$25,000) within 6 months of the closing and should spend all of the new money within 3 years. Attached is the capital project list developed from currently know water/sewer facility needs and anticipated time required to prepare plans, bid and award. Substitutions can be made to the list provided they fit the schedule.
4. Memorandum of Understanding with Christiansburg for Water Line Repair
The Memorandum of Understanding (MOU) with the Town of Christiansburg for water line repair at Auburn High School was executed on February 27, 2013. The Auburn High School project included placing a significant amount of fill over an existing section of 8-inch water main at a depth greater than can be safely and quickly reached by current PSA equipment. This MOU was proposed so that the water main would not have to be re-installed at an acceptable depth.
5. FY14 Budget
The FY14 Budget is still being finalized. Final personnel costs are still being developed and not available at this time. Current projections are that the final costs should be ready in April.
6. Auburn High School Project
The first phase of the utility work of the Auburn High School project has been completed. PSA acceptance of the facilities was issued March 27, 2013 and

water service started the same day. The water service is needed to finalize construction of the new high school.

We were made aware that the general contractor, Branch & Associates has made claims to MCPS of project delays due to PSA actions during the plan development phase. We have reviewed the claims by Branch and requested copies of their information as our documentation is not consistent with their claims. We are still waiting on a reply from Branch.

7. Offer of Strategic Relationship for Sewer Line Maintenance
Mr. W.R. Ryan submitted a proposal (copy attached) to “form a strategic relationship” to maintain the PSA sewer main crossing of the Roanoke River below Hale’s Restaurant in Shawsville in exchange for water and sewer fees for a property owned by Mr. Ryan. The maintenance would be to remove and dispose trash and debris collected on the river crossing for two years.

AUTHORITY MEMBERS’ REPORT

Member Gabriele	-No Report
Member Politis	-No Report
Member Perkins	-No Report
Member Brown	-No Report
Member Tuck	-Absent
Member Biggs-	-No Report
Member Creed	-No Report

INTO CLOSED MEETING

(In at 7:48 p.m)

On a motion by James Politis, seconded by Matthew Gabriele, and carried; IT WAS RESOLVED, that the Public Service Authority hereby enters into Closed Meeting for the discussion of the following:

- | | | |
|------------------|-----|--|
| Section 2.2-3711 | (7) | Consultation with Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where such Consultation of Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by A Public Body Regarding Specific Legal Matters Requiring the Provision of Legal Advice by Such Counsel |
| | (1) | Utilities on Oilwell Road |

The roll call vote on the foregoing motion is as follows:

AYE	NAY	ABSENT
Matthew Gabriele		Christopher Tuck
James Politis		
Mary Biggs		
Annette Perkins		
William Brown		
Gary Creed		

OUT OF CLOSED MEETING

(Out at 8:12 p.m)

On a motion by James Politis, seconded by Matthew Gabriele, and carried; IT WAS RESOLVED, that the Public Service Authority ends their Closed Meeting to return to Regular Session.

The roll call vote on the foregoing motion is as follows:

AYE	NAY	ABSENT
Matthew Gabriele		Christopher Tuck
James Politis		
Mary Biggs		
Annette Perkins		
William Brown		
Gary Creed		

CERTIFICATION OF CLOSED MEETING

On a Motion by James Politis, seconded by William Brown, and carried; IT WAS RESOLVED, that the Public Service Authority of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Public Service Authority does hereby agree, that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the meeting to which this certification resolution applies; and (ii) only public business matters as were identified in the motion conveying the Closed Meeting were heard, discussed or considered by the Authority.

The roll call vote on the foregoing motion is as follows:

AYE

James Politis

Annette Perkins

William Brown

Mary Biggs

Gary Creed

Matthew Gabriele

NAY

ABSENT

Christopher Tuck

ADJOURNMENT

There being no further business, the Chair adjourned this meeting to the next meeting scheduled for May 6, 2013.